

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Tony Williams,

)

Plaintiff,

)

vs.

) C.A. NO.: 2025-CP-07-01325
(Consolidated)

Lowe's Home Centers, LLC and Angie Berry,

)

Defendants.

)

2025 DEC 30 PM 5:15
JERRI ANN ROSENCRANTZ
BEAUFORT COUNTY, S.C.
CLERK OF COURT

**PLAINTIFF'S REPLY TO DEFENDANTS' OBJECTION TO RULE 59(e)
MOTION TO VACATE: DOCUMENTING PREMEDITATED ADMINISTRATIVE
FRAUD AND MANDATORY CONFLICT OF INTEREST**

TO THE COURT AND DEFENSE COUNSEL:

Plaintiff, Tony Williams, *pro se*, respectfully submits this Reply to Defendants' Objection to his Rule 59(e) Motion. The Defendants' objection constitutes a fresh act of **Abuse of Process** and **Administrative Dishonesty**, as it relies on a "Phantom Record" to sustain an Order procured via **Extrinsic Fraud**.

I. THE PREMEDITATED "NON-CONTACT" LIE AND ACTUAL NOTICE

The December 17, 2025, Order—drafted by Defense Counsel—states that Plaintiff "did not contact the Court for further instruction." This finding is a manifest error of fact and a fraud upon the tribunal.

1. **Actual Notice via Filing:** Plaintiff filed an Emergency Motion for Recusal and Administrative Stay on **December 11, 2025**, file-stamped by the Clerk twenty-four hours prior to the hearing.
2. **Actual Notice via Email to Chambers:** On the date of the hearing, Plaintiff personally emailed Judge Newman's Administrative Assistant, **Kamari "Sunshine" Anderson**, and explicitly explained the technical issues he was experiencing in connecting with the Court.
3. **The Evidence of Premeditation:** Despite this direct electronic contact and the file-stamped motions, Chambers and Counsel proceeded to enter an Order claiming "non-contact." This was not an oversight; it was a **premeditated scheme** to facilitate a dismissal while the Defendants were in a state of **Total Default**.

II. SUPPLEMENTAL SUPPORT: MANDATORY CONFLICT OF INTEREST (RULE 1.7)

The Court must vacate the Order because it was submitted by Counsel who is subject to a **mandatory, non-waivable conflict of interest**.

1. **Counsel as Co-Defendant:** As of December 10, 2025, Michelle E. Gaston, Esq., and her firm are personal Defendants in a tort action (**C.A. No.: 2025-CP-07-02967**) filed by the Plaintiff regarding their conduct in this case matrix.
2. **The Admission of Agency:** On December 22, 2025, Ms. Gaston admitted in writing she is the "Authorized Agent" for Lowe's in the suit where she is a personal Defendant.
3. **Legal Effect:** Under **Rule 1.7(a)(2), SCRPC**, Counsel's representation of Lowe's is **materially limited** by her personal interest in avoiding professional liability and the loss of her law license. A conflicted attorney cannot ethically move for—or draft—a dismissal of the very case that forms the basis of her personal liability. This conflict renders the Defendants' Objection a legal nullity.

III. THE "THUMBS UP" MOCKERY AND CANON 3 VIOLATIONS

The integrity of the administrative process was irrevocably compromised on December 18, 2025, when Ms. Anderson responded to the Plaintiff's formal grievance regarding his service-connected OCD with a **"thumbs up" (👍) emoji**.

- **Violation of Ethics:** Under **Canon 3(B)(4) of the Code of Judicial Conduct**, judicial staff are prohibited from displaying bias. To mock a disabled veteran's civil rights grievance with social-media emojis proves a level of **Objective Bias** that requires mandatory vacatur. See *Roche v. Young Bros., Inc.*, 332 S.C. 75 (1998).

IV. EXTRINSIC FRAUD AND THE "GHOST ORDER" NULLITY

The 12/17 Order is **Void Ab Initio** because it was procured via **Extrinsic Fraud**—conduct that prevents a party from having a fair day in court. See *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128 (1997).

1. **The Signature Gap:** The Order lacks a mandatory **Judicial Identification Code (JIC)**. The "blocked" or "blank" signature box confirms the document was uploaded as a "Proposed Draft" without passing through the Judge's secure authentication dashboard.
2. **The Christmas Eve Admission:** In her Objection, Counsel **admitted** she was aware of Plaintiff's motions prior to the hearing. This admission confirms she maintained the "non-contact" lie in the Order while possessing **Actual Knowledge** of the Plaintiff's participation, a direct violation of the **Duty of Candor (Rule 3.3, SCRPC)**.

V. PRESERVATION OF APPEALABLE ISSUES

Plaintiff hereby preserves the following issues for appellate review:

1. **Due Process Violation:** The use of an unsigned "Ghost Order" to terminate a \$12M claim.
2. **Mandatory Disqualification:** Whether Counsel Gaston's **Rule 1.7 Conflict** (being a personal Defendant) required an immediate stay and strike of her appearance.
3. **Waiver of Service:** Under **State v. Dudley**, 354 S.C. 514, Defendants permanently waived service defenses for Angie Berry by omitting them from the first responsive motion.
4. **Voluntary Appearance:** Under **Stearns Bank Nat'l. Ass'n v. Glenwood Falls, LP**, 373 S.C. 331 (2007), Counsel's six-month participation in the merits cured all service defects.
5. **Incapacity of Counsel:** Whether Counsel, being in **Total Default**, had standing to submit orders under the rule of **Stono River Constr. Co. v. Hill**, 397 S.C. 324 (2012).

CONCLUSION: The December 17 Order is the fruit of a poisonous administrative tree. Per **Rule 59(e)**, the Court **MUST** vacate the Order to correct manifest errors of fact and to remove the "Shadow Litigation" loop created by conflicted counsel and biased staff.

Respectfully submitted,


Tony Williams, Pro Se

145 Fort Sullivan Drive, Ridgeland, SC 29936

Dated: December 30, 2025